

D/F

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP - 7 2010 ★

Troy Jennings,  
Petitioner,

BROOKLYN DIVISION

v.

United States of America,

BROOKLYN OFFICE

CASE No. 02 - CR - 743

RULE 60(b) MOTION

The Federal Bureau of Prison Involuntary Transfer of Jennings to a mental Hospital with out Notice and Adversary Hearing, violated the due process clause of the FOURTEENTH AMENDMENT & FIRST ADMENDMENT & SIXTH ADMENDMENT, 445 U.S. 480, Vitek v. Jones.

STATEMENT OF FACT'S

The Federal Bureau of Prison Violated Vitek v. Jones 445 U.S. 480 , 63 Led 2d 552, 100 S. Ct. 1254 [No. 78-1155] VIOLATED THE NOTICE AND HEARING REQUIREMENT OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT (438 F, SUPP 569) THE FIRST AMENDMENT & THE SIXTH AMENDMENT due process notice and hearing requirements under the fourteenth amendment were violated by application authorizing upon finding by a physicion or psycholosist that Jennings suffred from a mental disease or defect that could not be properly treated in the penal institution.

The United States Suprem Court will vacate the district court's consideration of the question mootness. SEE: Vitek v. Jones, 445 U.S. 480

Transferring Jennings to a Mental Hospital with out adquate notice and opportunity from a hearing deprived Jennings of liberty without due

process of Law was contrary to the Fourteenth Adendment, and that such transfers must be accompnied by adquate notice, an adversary hearing before an independent dicision matter, a written statement by the fact finder of the evidence relied on and the reason for the decision, and the availability of appointed counsel for indigent prisoners (437 F. Supp 569). The B.O.P. transfer Jennings to the Mental Hospital without following the procedures <Pg. 553>, perscribed in it's judgment.

The involuntary transfer of Jennings to a Mental Hospital implicates a liberty interest that is protected by the due process clause of the Fourteenth Amendment. Jennings face stigmatizing consequences of a transfer to a Mental Hospital for involuntary psychiatric tretmeant as a treatment for Mental illness. This deprivation of liberty requir procedural protection, the due process clause include a written notice of the transfer, and adversary hearing before an independent decision maker, written findings, and effective and timely notice of such rights.

The case at bar is not moot, because there is great probability that Jennings would be transfered to a Mental Hospital upon finishing Jennings sentence soley due to Jennings Religous beliefs which is a First Amendment violation, due to the fact the sentencing court was in error to impermissibly delegate it's Judicial Authority to a non-article III actor (the Probation Officer)

- 1) The statutory language dictates that the treatment must be specified by the court's : 18 U.S.C. §3563 (b)(9).
- 2) For the Probation Officer to make the initial decision would constitute an impermissible delegation of Article III Judicial power to a non-artical III actor (the Probation Officer).

3) Jennings is free to seek relief from the District court under 18 U.S.C. §3583 (e)(1), SEE United States v. Mickelson 433 F. 3d 1050, 1057 (8th Cir. 2006).

The court retains the ultimate responsibility for reviewing the exercise of that Authority. Id. a 1056.

the Eleventh Circuit held that the following similarly worded phrase for the same special condition impermissibly delegated to the probation officer the ultimate responsibility of sentencing as deemed necessary by the probation officer. SEE United States v. Nash, 438 F.3d 1302, 1306 (11th Cir. 2006)

The provision was impermissible delegation of authority to the probation officer.

The Courts Supervised Release Condition:

1) Troy Jennings participated in a mental health treatment out patient program approved by the U.S. Probation Office.

2) The Defendant shall contribute to the cost of service rendered or any psychotropic medication prescribed via co-payment in an amount to be determined by the U.S. Probation Office.

The Courts supervised release condition that the Defendant/Petitioner receive mental health deemed appropriate by his probation officer was an abuse of discretion which violated Mr. Jennings's 1st and 6th Amendment Rights.

The District Court has abdicated it's judicial responsibility and imposes greater deprivation of "liberty". There is plain error here, and constitutionally impermissible delegation of the courts sentencing authority.

The Eleventh Circuit Explained, the phrase as deemed necessary by

the probation officer "impermissibly delegated to the probation officer a duty reserved solely for the District Court" SEE United States v. Kent, 209 F. 3d 1073, 1074-5, 1078-9 (8th Cir. 2000). As these decisions demonstrate, the special conditions in the written judgment leave to the probation officer the authority not only to implement the condition but to determine whether the defendant should or should not undergo mental health treatment while on supervised release. SEE Lopaz v. Muxtay, 2009 WI 3016263, at \*1 (5th Cir. Sept. 2009)(unpublished).

Under our Constitution, "The Judicial Power of the United States may be exercised only by life-tenured judges with undiminishable compensation -commonly referred to as Article III Judges". U.S. Constitution, Art. III, §1, and Felony Sentencing is at at "the core of the judicial power" that may be exercised only by article III judges.

Encompassed within the core judicial function of sentencing is the setting of any conditions of supervised release. SEE e.g. United States v. Proden, 398 F. 3d 241, 205 (3rd Cir. 2005).

SEE United States v. Johnson, 48 F. 3d 806, 808 (4th Cir. 1995) the imposition of a sentence, including any terms of probation or supervised release, is a core judicial function. "Ths", requiring a defendant to participate in a mental health program as conditions of his supervised release is unquestionably a judicial function. SEE United States v. Heath, 419 F. 3d 1312, 1315, (11th Cir. 2005). SEE United States v. Pruden, 398 F. 3d 241, 250 (3rd Cir. 2005).

The relevant statutes themselves thus clearly contemplate that the Court will order whatever mental health treatment is needed, and not provide a blank check to the probation officer.

Under current law, so as to justify correction under the plain error rule, first, it has been clear in this court since at least 1994 that the unauthorized delegation of authority from an article III judicial officer to a non-article III official (like a probation officer) is error that is plain. SEE United States v. Albro, 32 F. 3d 173, 174 n.1 (5th Cir. 1994).

#### REQUESTED RELIEF

The Petitioner is requesting that the court make a statement of reason for imposing sentence as stated in 18 § 3553 (c).

1) That Troy Jennings participate in a mental health treatment outpatient program approved by the U.S. Probation Officer solely due to Troy Jennings religious beliefs.

2) That Troy Jennings contribute to the cost of service render of any psychotropic medication prescribed visa co-payment base on the ability to pay or the availability of third party solely due to Troy Jennings religious beliefs.

3) That Troy Jennings be designated to the United States Medical Center for Federal Prisoners, Spring Field, Missouri, May 15, 2003, solely due to Troy Jennings religious beliefs.

The due process clause of the Fourteenth Amendment requires that the District Court and the Federal Bureau Of Prisons afford Troy Jennings the opportunity to be heard prior to involuntary transfer to a Mental Hospital, Spring Field, Missouri Medical Center.

The hearing required by due process must be accorded prior, before the effective decision constitutional Law § 746 due process procedure

Jennings has the Right to confront and cross-examine adverse witness and submit other evidence in his defense which is constitutionally protected 3583 inclusion of term of Supervised Release after imprisonment.

(a) In general, the court in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the Defendant be placed on a term of supervised release after imprisonment, except that the court shall include as a part of the sentence a requirement that the Defendant be placed on a term of Supervised Release if such a term is required by statute.

The advisory break down in the Diagnostic Forensic Psychological assessment which violated the Statutory requirement of 18 U.S.C. § 4241 (d) was the only sentence that is required by Statute statutory requirement of 18 U.S.C. § 4241 (d) provides that upon finding Jennings is in need of treatment, Jennings must be committed to the United States Medical Center For Federal Prisoners, Spring Field, Missouri, for service of his sentence before trial, not after trial Troy Jennings was initially designated to the United States Medical Center For Federal Prisoners, Spring Field, Missouri, for service of his sentence after trial, not before which violated the Fourteenth Amendment, Sixth Amendment due process clause and Jennings First Amendment Rights, 18 U.S.C. § 3553. Imposition of a sentence:

(a) Factors to be considered in imposing a sentence the court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set fourth in paragraph (2),

(2) The need for the sentence imposed

(d) To provide the Defendant with needed medical care 18 U.S.C. §3553  
(c) Statement of reason for imposing a sentence the court, at the time of sentencing, shall state in open court the reasons for it's imposition of the particular sentence. Supervised release to an out patient program Violated Supervised Release Statue since Jennings mental health was not related in any tangible way to his conviction charges the out patient Mental Health Treatment was not a relevant nature and circumstance of the indictment or the conviction it did not further statutory goals of deterrence, protection or rehabilitation.

#### STATEMENT OF REASONS

Transcribed oral findings can serve as "written statements" of evidence and reason for revoking Supervised Release under Due Process claim when transcript and record compiled before trial judge enables reviewing court to determine basis of trial courts decision. SEE United States v. Copiey, C.A.4. (W. VA.) 1992, 978 F. 2d 829. Jennings sentence to the United States Medical Center For Federal Prisoners, Spring Field, Missouri, for service of his sentence after trial, not before trial as stated in the requirement of 18 U.S.C. §4241 (d) was not sufficintly detailed, as stated in 18 § 3563 (b)(9), Jennings may under go available medical, psychiatric or psychological treatment as specified by the court, and remain in a speicfied institution if required for that purpose; judges required to state in open court the reason for imposing of particular sentence ; SEE United States v. Jimenez Martinez, C.A.1. (Mass.) 1996, 83 F. 3d 488, Imposition of sentence without articulation of reason render Troy Jennings sentence in violation of law unless and untill sentencing Judge Murtha provide statutorily mandated statement

of adequate reason. SEE United States v. Zackson, C.A.2. (N.Y.)1993, 6 F. 3d 911, sentencing court must make general statement of it's reasoning for sentencing imposed regardless of whether range exceed 24 months or whether departure sentence is imposed, SEE United States v. Underwood, C.A.10. (Kan.) 1991, 938 F. 3d 1086, The statue calls upon the court to state the reason for the impositions of the particular sentence and the reason for imposing a sentence which differs from the the Guide Lines, SEE United States v. Georgiadis, C.A.3. (Pa.) 1991, 933 F. 2d 1210, Specific reason for sentence need to be articulated in written memorandum, where reason appeared in record of sentencing proceeding in open court, SEE United States v. Wivell, C.A.8.(Min.) 1990, 893 F. 2d 156, Also SEE United States v. Wilson, C.A.9.(Cal.) 1993, 7 F. 3d 828,

1) An individual's characteristics, religious beliefs factors should not be used for imposing the sentence that Jennings participate in a mental health out patient program approved by U.S. Probation Officer.

2) That Troy Jennings contribute to the cost of service render of any psychotropic medication prescribed.

3) That Troy Jennings be designated to the United States Medical Center For Federal Prisoners, Spring Field, Missouri, May 15, 2003, solely due to his religious beliefs.

Never the less, in accordance with 18 U.S.C. §3553 (a) it is the job of the District Court to impose a sentence which takes into account the nature and the circumstances of the offense, as well as the character and seriousness of the offence. It is also the duty of the court to impose a sentence that reflects the seriousness of the offense, promote



respect for the law, provide just punishment, afford adequate deterrence to criminal conduct, protects the public from further crimes of the defendant and provide the defendant with needed education, vocational training, medical care, or other correctional treatment.

Given the factual and procedural error it's clearly a substantively unreasonable sentence which violates Troy Jennings First Amendment Rights pertaining to his religious beliefs and § 3582 (a), imposition of a sentence of imprisonment which violated the statutory requirement of 18 U.S.C. §4241 (d), which provides that upon finding Jennings is in need of treatment the Petitioner must be committed to United States Medical Center For Federal Prisoners, Spring Field Missouri, before trial not after trial.

The sentencing court does not have the authority to sentence Troy Jennings base solely on his religious beliefs which lead to deviate from 18 U.S.C. §3553 (a), to demonstrate plain error, a defendant must show:

- 1) Error
- 2) That was obvious or clear
- 3) That affected defendant's substantial rights
- 4) That affected fairness, integrity, an public reputation of the judicial proceedings

The Petitioner has demonstrated all four prongs of plain error due to the advisory break down in the Diagnostic Forensic Psychological assessment which violated the statutory requirement of 18 U.S.C. § 4241 (d), requirement of 18 U.S.C. § 3553 (a), Which violated Jennings First Amendment Rights, Sixth Amendment Rights, and Fourteenth Amendment Rights

The Petitioner also request that his sentence be vacated and a new

trial granted as requested relief.

REQUESTED RELIEF  
STATEMENT OF ISSUE #1

Due to the facts the District Court impermissibly delegated it's Judicial Authority and power to a NON-Article III actor (The Probation Office). The Special conditions in the written Judgment leaves to the Probation Officer the ultimate decision whether to require Jennings to participate in a Mental Health Program while on Supervised Release, which Violated the United States Constitution. The Judicial Power of the United States maybe exercised only by life tenured Judges with undiminshable compensation - commonly referred to as Article III Judges.

1) The statutory language dictates that the treatment must be specified by the courts, 18 U.S.C. §3563(b)(9):

The Petitioner request that the Mental Health Treatment Out Patient Program approved by the U.S. Probation Officer Sentence be Vacated.

2) The sentence that the Petitioner shall contribute to the cost of service render or Psychotropic Medication Prescribed visa co-payment in an amount to be determined by the U.S. Probation Officer base on ability to pay or the availability of third-party. Be vacated as well.

REQUESTED RELIEF  
STATEMENT OF ISSUE #2

Due to the facts Troy Jennings/Petitioner was initially designated as part of his Sentence to The United States Medical Center For Federal Prisoners Spring Field Missouri on May 15, 2003, as an initial Court commitment.

Wherefore, the Petitioner has demonstrated that he has not committed any crimes against the United States, to initially be designated to the United States Medical Center For Federal Proisioners, Spring Field Missouri which violated Vitek v. Jones, 445 U.S. 480, 100 S. Ct. 1254(1980), my First amendment Rights, and Sixth Amendment Rights as well.

Due to the advisory break down in the Diagnostic Forensic Psychological

Assessment

Which violated the Statutory Requirement of 18 U.S.C. § 4241(d) which provides that upon finding Jennings is in need of treatment the Petitioner must be committed to U.S. Medical Center For Federal Prisoners Spring Field Missouri, BEFORE TRIAL NOT AFTER TRIAL.

According to these facts the Petitioner request that his sentence be Vacated and New Trial Granted.

REQUESTED RELIEF  
STATEMENT OF ISSUE #3

The Petitioner request that his sentence be Vacated that Troy Jennings shall make restitution to Corona -A- United States Post Office \$34,000.00.

For this was Count Two of the Indictment which the Petitioner was found NOT GUILTY of by a Jury.

This is a sixth Amendment Violation in which I am Requesting that it be Corrected for the Record.

REQUESTED RELIEF  
STATEMENT OF ISSUE #4

Due to the facts the District Court has went out side of the Statutory Provision of 18 U.S.C. § 2114(a), 18 U.S.C. § 924(c), 18 U.S.C. § 922(g)(1) , and 18 U.S.C. § 1951, the court imposed a term of Five Years Supervised Release, Concurent on all Counts.

The Statutory Provision does not call for or require any type of Probation or Special condition of release which therefore renders an Illegal Unconstitutional Sentence.

The Petitioner is requesting that the Supervised Release be Vacated and that his Sentence Corrected by way of Resentenceing.

# EXHIBIT A

DEFENDANT: Troy JenningsCASE NUMBER: 02-CR-743**SPECIAL CONDITIONS OF SUPERVISION**

- ~~(1) The defendant shall comply with the restitution order set out in this judgment. Payment of any outstanding restitution shall become a condition of supervised release.~~
- ~~(2) The defendant shall permit the U.S. Probation Office access to any requested financial information.~~
- ~~(3) The defendant shall participate in a mental health treatment program approved by the U.S. Probation Office. The defendant shall contribute to the cost of services rendered or any psychotropic medications prescribed via co-payment or full payment in an amount to be determined by the Probation Office based on ability to pay or the availability of third-party payment.~~
- ~~(4) The defendant shall submit his person, residence, place of business or vehicle to a search, conducted by a U.S. Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to searches pursuant to this condition.~~
- ~~(5) The defendant is prohibited from the possession of a firearm.~~

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

MO039017C  
PART 5

ICN IFCS0003000021034950

- FBI IDENTIFICATION RECORD - FBI NO-7284AA1

12-ARRESTED OR RECEIVED 2001/03/21 SID- NY4892893J

AGENCY-POLICE DEPARTMENT NEW YORK (NY0303000)

AGENCY CASE-Q01014794L NAME USED-BATES, TROY

# 1 CHARGE 1-PL 160.05 00 D F 3 ROBBERY-3 01 1299

# 2 CHARGE 2-PL 120.00 01 A M 3 ASSAULT 3 01 1399

# 3 CHARGE 3-PL 220.03 00 A M 7 CPCS-7 01 3599

13-ARRESTED OR RECEIVED 2003/05/15

AGENCY-FED MED CTR PRISONER SPRINGFIELD (MO039017C)

AGENCY CASE-USM67949053 NAME USED-JENNINGS, TROY KEITH

CHARGE 1-CONSPIRACY TO COMMIT ROBBERY; ROBBERY

COURT-

CHARGE-CONSPIRACY TO COMMIT ROBBERY; ROBBERY

SENTENCE-

110 MONTHS/5 YEARS SRT

-----  
WANTED

CONFIRM THAT WARRANT IS STILL OUTSTANDING

AGENCY-SHERIFF'S OFFICE CHARLESTON (SC0100000)

WANTED-NCIC #W892902195

BATES, TROY

FRAUD (FREE TEXT)

CASE #93-053495

DATE OF WARRANT 07/14/1993

NOTIFY SC0100000 SHERIFF'S OFFICE CHARLESTON SC

CAUTION-QUERY NCIC FOR REASON OF CAUTION

AND POSSIBLE CROSS REFERENCE INFORMATION  
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RECORD UPDATED 2003/06/16

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
PRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL  
USE ONLY FOR THE PURPOSE REQUESTED.

**445 US 480 VITEK v JONES**

**JOSEPH VITEK, etc., et al., Applicants,  
vs.  
LARRY D. JONES**

**445 US 480, 63 L Ed 2d 552, 100 S Ct 1254**

[No. 78-1155]

**Argued December 5, 1979.**

**Decided March 25, 1980.**

**DECISION**

Involuntary transfer of state prisoner to state mental hospital without notice and adversary hearing, held violative of due process clause of Fourteenth Amendment.

**SUMMARY**

A Nebraska state prisoner who was transferred to a state mental hospital pursuant to a Nebraska statute authorizing the Director of Correctional Services to transfer a prisoner when a designated physician finds that the prisoner "suffers from a mental disease or defect" and "cannot be given proper treatment" in prison, intervened in a case pending in the United States District Court for the District of Nebraska which had been brought by other prisoners against the state challenging, on procedural due process grounds, the adequacy of the procedures by which Nebraska permits the transfer of a prisoner from a prison complex to a mental hospital. A three-judge District Court was convened and declared the statute unconstitutional as applied to the prisoner, holding that transferring him to a mental hospital without adequate notice and opportunity for a hearing deprived him of liberty without due process of law contrary to the Fourteenth Amendment, and that such transfers must be accompanied by adequate notice, an adversary hearing before an independent decisionmaker, a written statement by the factfinder of the evidence relied on and the reasons for the decision, and the availability of appointed counsel for indigent prisoners (437 F Supp 569). The District Court requested counsel to suggest

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appropriate relief, and, after learning that the prisoner had been transferred from the hospital to the psychiatric ward of the prison, the court entered its judgment in which the court declared the statute unconstitutional as applied to the prisoner and permanently enjoined the state from transferring the prisoner to the mental hospital without following the procedures <\*pg. 553> prescribed in its judgment. Thereafter, on direct appeal, the United States Supreme Court vacated the judgment of the District Court and remanded the case to that court for consideration of the question of mootness (56 L Ed 2d 381). Although the prisoner had been paroled on condition that he accept psychiatric treatment at a Veterans' Administration hospital, the District Court, on remand, found that the case was not moot because the prisoner was subject to, and was in fact under, the threat of being transferred to the state mental hospital pursuant to the state statute if the injunction was removed. The District Court then reinstated its original judgment.

On direct appeal, the United States Supreme Court affirmed, with modification. Although unable to agree on an opinion with regard to the portion of the District Court's judgment mandating the availability of appointed counsel for indigent prisoners, five members of the court agreed that a prisoner was entitled to qualified and independent assistance at an adversary hearing. In an opinion (part of which constituted the opinion of the court-parts I, II, III, IV-A, and V) by White, J., joined by Brennan, Marshall, Powell, and Stevens, JJ., it was held that (1) the decision of the District Court remained a live controversy and was not moot even though, after the decision had been appealed to the United States Supreme Court, the prisoner had been paroled on condition that he accept psychiatric treatment at a Veterans' Administration hospital, and then returned to prison for having violated that parole, it not being absolutely clear, absent the injunction, that the alleged wrongful behavior could not reasonably be expected to recur, (2) the involuntary transfer of a state prisoner to a mental hospital implicates a liberty interest that is protected by the due process clause of the Fourteenth Amendment, since under the state statute allowing for such transfers, a prisoner could reasonably expect that he would not be transferred to a mental hospital without a finding that he was suffering from a mental illness for which he could not secure adequate treatment in the prison, and since, independent of the statute, the stigmatizing consequences of a transfer to a mental hospital for involuntary psychiatric treatment, coupled with the subjection of the prisoner to mandatory behavior modification as a treatment for mental illness, constitute the kind of deprivations of liberty that require procedural protections, and (3) the procedural protections required by the due process clause include a written notice of the transfer, an adversary hearing before an independent decisionmaker, written findings, and effective and timely notice of such rights. White, J., joined by Brennan, Marshall, and Stevens, JJ., also expressed the view (part IV-B of the opinion) that it is appropriate that counsel be provided to indigent prisoners whom the state seeks to treat as mentally ill.

Powell, J., concurring in part, joined in the opinion of the court except with respect to a prisoner's entitlement to legal counsel, agreeing that qualified and independent assistance must be

provided to an inmate who is threatened with involuntary transfer to a state mental hospital, but expressing the view that an inmate need not always be supplied with a licensed attorney.<\*pg. 554>

Stewart, J., joined by Burger, Ch. J., and Rehnquist, J., dissented, expressing the view that the case at bar was moot, because there was no demonstrated probability that the prisoner would again be transferred to a state hospital in accord with the state statute.

Blackmun, J., dissenting, expressed the view that the case at bar was not ripe for adjudication, since the asserted injury, as well as any immediate threat that the injury would be suffered again, had disappeared, at the latest, when the prisoner was granted parole.

**RESEA**



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

MAY 27 2010

Mr. Troy Jennings  
Register No. 67949-053  
United States Penitentiary  
Post Office Box 1034  
Coleman, FL 33521

Re: Appeal No. 2010-0488  
Request No. 2010-00835  
CAS:AMJ

Dear Mr. Jennings:

You appealed from the action of the Northeast Regional Office of the Federal Bureau of Prisons (BOP) on your request for access to records pertaining to the transfer order used to designate you to the Federal Medical Center in Springfield, Missouri, on May 15, 2003.

After carefully considering your appeal, I am affirming BOP's action on your request. BOP informed you that it was unable to locate any records responsive to your request. I have determined that BOP's response was correct and that it conducted an adequate, reasonable search for records responsive to your request.

I note that on appeal you seek a copy of a certificate that you believed was filed in court in connection with your commitment. Please be advised that you may not on appeal expand the scope of your initial request, which was limited to records related to your transfer order. Accordingly, I suggest that you submit a new Freedom of Information Act request to BOP for the records you now seek.

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Janice Galli McLeod  
Associate Director

By: *Anne D. Work*

Anne D. Work  
Acting Senior Counsel  
Administrative Appeals Staff



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

**JUN 09 2010**

Mr. Troy Jennings  
Register No. 67949-053  
United States Penitentiary  
Post Office Box 1034  
Coleman, FL 33521

Re: Appeal No. 2010-0498  
Request No. 2009-11668  
CAS:AMJ

Dear Mr. Jennings:

This responds to your correspondence dated November 8, 2009, in which you referenced Freedom of Information Act Request No. 2009-11668.

I note that although your correspondence references a FOIA request that you submitted to the Federal Bureau of Prisons (BOP), your letter seeks information that is unrelated to that request. Specifically, you attempted to make a new request for a psychological examination report conducted by BOP personnel at the Federal Medical Center at Springfield. Please note that you may not on appeal expand the scope of your initial request, which was limited to a copy of the form "EMS-409.051 Request for Transfer/Application of Management Variable" and to records pertaining to your "initial court commitment." Accordingly, if you are interested in obtaining your psychological report, I suggest that you submit a new FOIA request to BOP for the records you now seek.

Sincerely,

Janice Galli McLeod  
Associate Director

By: *Anne D. Work*

Anne D. Work  
Acting Senior Counsel  
Administrative Appeals Staff

ALFDD  
PAGE 003

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\*

PUBLIC INFORMATION  
INMATE DATA  
AS OF 04-26-2010

\* 04-26-2010  
\* 13:54:14

REGNO...: 67949-053 NAME: JENNINGS, TROY

RESP OF: CLP  
PHONE...: 352-689-7000 FAX: 352-689-7012

-----CURRENT OBLIGATION NO: 020 -----

OFFENSE CODE.....: 130  
OFF/CHG: 18:924(C) USE OF A FIREARM IN RELATION TO A CRIME OF  
VIOLENCE (CT7)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 7 YEARS  
TERM OF SUPERVISION.....: 5 YEARS  
CLASS OF OFFENSE.....: CLASS A FELONY  
RELATIONSHIP OF THIS OBLIGATION  
TO OTHERS FOR THE OFFENDER.....: C/S TO 010/010  
DATE OF OFFENSE.....: 03-30-2002

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 12-04-2009 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 03-07-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 03-07-2003  
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA  
TOTAL TERM IN EFFECT.....: 7 YEARS 110 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 16 YEARS 2 MONTHS  
AGGREGATED TERM OF SUPERVISION...: 5 YEARS  
EARLIEST DATE OF OFFENSE.....: 03-16-2002

JAIL CREDIT.....:	FROM DATE	THRU DATE
	04-13-2002	04-18-2002
	06-10-2002	03-06-2003

G0002 MORE PAGES TO FOLLOW . . .

00006

ALFDD \*  
PAGE 004 OF 004 \*

PUBLIC INFORMATION  
INMATE DATA  
AS OF 04-26-2010

\* 04-26-2010  
\* 13:54:14

REGNO..: 67949-053 NAME: JENNINGS, TROY

RESP OF: CLP

PHONE..: 352-689-7000 FAX: 352-689-7012

TOTAL PRIOR CREDIT TIME.....: 276  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 565  
TOTAL GCT EARNED.....: 181  
STATUTORY RELEASE DATE PROJECTED: 01-15-2017  
EXPIRATION FULL TERM DATE.....: 08-03-2018

PROJECTED SATISFACTION DATE.....: 01-15-2017  
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

00007

ALFDD 531.01 \*  
PAGE 001 \*

INMATE HISTORY  
QUARTERS

\* 04-26-2010  
\* 14:12:29

REG NO.: 67949-053 NAME: JENNINGS, TROY  
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
CLP	Z09-216LAD	HOUSE Z/RANGE 09/BED 216L AD	04-22-2010 1845	CURRENT
CLP	K01-221L	HOUSE K/RANGE 01/BED 221L	02-23-2010 1519	04-22-2010 1845
CLP	K01-112U	HOUSE K/RANGE 01/BED 112U	02-09-2010 1753	02-23-2010 1519
CLP	K01-109U	HOUSE K/RANGE 01/BED 109U	02-09-2010 1748	02-09-2010 1753
CLP	R01-001L	HOUSE R/RANGE 01/BED 001L	02-09-2010 1535	02-09-2010 1748
OKL	C07-309L	HOUSE C/RANGE 07/BED 309L	02-08-2010 2036	02-09-2010 0752
OKL	C08-429L	HOUSE C/RANGE 08/BED 429L	02-08-2010 1739	02-08-2010 2036
OKL	C07-310U	HOUSE C/RANGE 07/BED 310U	02-08-2010 1700	02-08-2010 1739
CAA	Z06-254UAD	HOUSE Z/RANGE 06/BED 254U AD	01-31-2010 1423	02-08-2010 0700
CAA	Z06-247UAD	HOUSE Z/RANGE 06/BED 247U AD	01-10-2010 1447	01-31-2010 1423
CAA	Z06-254UAD	HOUSE Z/RANGE 06/BED 254U AD	01-04-2010 1257	01-10-2010 1447
CAA	Z02-202LDS	HOUSE Z/RANGE 02/BED 202L DS	01-04-2010 0037	01-04-2010 1257
CAA	Z02-215LDS	HOUSE Z/RANGE 02/BED 215L DS	12-29-2009 1349	01-04-2010 0037
CAA	Z02-202LDS	HOUSE Z/RANGE 02/BED 202L DS	12-08-2009 1228	12-29-2009 1349
CAA	Z06-243UAD	HOUSE Z/RANGE 06/BED 243U AD	11-16-2009 1545	12-08-2009 1228
CAA	Z06-248UAD	HOUSE Z/RANGE 06/BED 248U AD	11-02-2009 2149	11-16-2009 1545
CAA	Z01-001LAD	HOUSE Z/RANGE 01/BED 001L AD	11-02-2009 2148	11-02-2009 2149
CAA	F02-211L	HOUSE F/RANGE 02/BED 211L	09-15-2009 1325	11-02-2009 2148
CAA	F01-101L	HOUSE F/RANGE 01/BED 101L	09-15-2009 1210	09-15-2009 1325
CAA	Z03-125UAD	HOUSE Z/RANGE 03/BED 125U AD	08-25-2009 0203	09-15-2009 1210
CAA	Z03-124LAD	HOUSE Z/RANGE 03/BED 124L AD	08-23-2009 0146	08-25-2009 0203
CAA	Z01-001LAD	HOUSE Z/RANGE 01/BED 001L AD	08-22-2009 2124	08-23-2009 0146
CAA	F02-211L	HOUSE F/RANGE 02/BED 211L	06-26-2009 1223	08-22-2009 2124
CAA	F01-101L	HOUSE F/RANGE 01/BED 101L	06-26-2009 0722	06-26-2009 1223
CAA	Z04-218LAD	HOUSE Z/RANGE 04/BED 218L AD	06-25-2009 1806	06-26-2009 0722
CAA	Z01-001LAD	HOUSE Z/RANGE 01/BED 001L AD	06-25-2009 1535	06-25-2009 1806
ALP	A03-111L	HOUSE A/RANGE 03/BED 111L	05-21-2009 1218	06-25-2009 1039
ALP	A03-111U	HOUSE A/RANGE 03/BED 111U	03-11-2009 0719	05-21-2009 1218
ALP	A03-117U	HOUSE A/RANGE 03/BED 117U	01-05-2009 0904	03-11-2009 0719
ALP	D03-117U	HOUSE D/RANGE 03/BED 117U	12-26-2008 1000	01-05-2009 0904
ALP	D03-119U	HOUSE D/RANGE 03/BED 119U	12-18-2008 1533	12-26-2008 1000
ALP	D03-117U	HOUSE D/RANGE 03/BED 117U	12-08-2008 1438	12-18-2008 1533
ALP	Z01-121UAD	HOUSE Z/RANGE 01/BED 121U AD	11-23-2008 0749	12-08-2008 1438
ALP	Z01-120UAD	HOUSE Z/RANGE 01/BED 120U AD	11-07-2008 1644	11-23-2008 0749
ALP	Z01-123UAD	HOUSE Z/RANGE 01/BED 123U AD	11-06-2008 2117	11-07-2008 1644
ALP	Z01-101UAD	HOUSE Z/RANGE 01/BED 101U AD	11-06-2008 2114	11-06-2008 2117
ALP	A03-122U	HOUSE A/RANGE 03/BED 122U	10-20-2008 1303	11-06-2008 2114
ALP	D03-118U	HOUSE D/RANGE 03/BED 118U	10-16-2008 1358	10-20-2008 1303
ALP	Z01-117UAD	HOUSE Z/RANGE 01/BED 117U AD	10-14-2008 2127	10-16-2008 1358
ALP	Z01-101UAD	HOUSE Z/RANGE 01/BED 101U AD	10-14-2008 1905	10-14-2008 2127
ALP	R01-001L	HOUSE R/RANGE 01/BED 001L	10-14-2008 1650	10-14-2008 1905

G0002

MORE PAGES TO FOLLOW . . .

Jennings v. U.S., 3:CV-10-138  
Diehl Declaration, Attachment B.

00008



ALFDD 531.01 \*  
PAGE 002 \*

INMATE HISTORY  
QUARTERS

\* 04-26-2010  
\* 14:12:29

REG NO.: 67949-053 NAME: JENNINGS, TROY  
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
OKL	C12-406L	HOUSE C/RANGE 12/BED 406L	10-11-2008 2156	10-14-2008 0900
OKL	C12-408L	HOUSE C/RANGE 12/BED 408L	10-03-2008 1921	10-11-2008 2156
POL	A04-432U	HOUSE A/RANGE 04/BED 432U	08-19-2008 1445	10-03-2008 0900
POL	A04-432U	HOUSE A/RANGE 04/BED 432U	07-07-2008 1000	08-15-2008 1222
POL	A04-432U	HOUSE A/RANGE 04/BED 432U	04-24-2008 1000	07-07-2008 0753
POL	A04-428U	HOUSE A/RANGE 04/BED 428U	03-21-2008 1526	04-24-2008 1000
POL	B01-140U	HOUSE B/RANGE 01/BED 140U	03-14-2008 1555	03-21-2008 1526
POL	B01-101LH	HOUSE B/RANGE 01/BED 101L H	03-14-2008 1251	03-14-2008 1555
POL	Z01-105UAD	HOUSE Z/RANGE 01/BED 105U AD	02-25-2008 1728	03-14-2008 1251
POL	Z05-208UAD	HOUSE Z/RANGE 05/BED 208U AD	02-21-2008 2306	02-25-2008 1728
POL	Z01-101LAD	HOUSE Z/RANGE 01/BED 101L AD	02-21-2008 2040	02-21-2008 2306
POL	C03-334U	HOUSE C/RANGE 03/BED 334U	08-27-2007 2033	02-21-2008 2040
POL	R01-001L	HOUSE R/RANGE 01/BED 001L	08-27-2007 1400	08-27-2007 2033
OKL	C03-305L	HOUSE C/RANGE 03/BED 305L	08-18-2007 0825	08-27-2007 0415
OKL	C03-318L	HOUSE C/RANGE 03/BED 318L	08-16-2007 1020	08-18-2007 0825
BMP	R01-001L	HOUSE R/RANGE 01/BED 001L	08-15-2007 2043	08-16-2007 0126
BMP	Z02-002LDS	HOUSE Z/RANGE 02/BED 002L DS	08-10-2007 0217	08-15-2007 2043
BMP	Z02-003LDS	HOUSE Z/RANGE 02/BED 003L DS	07-20-2007 2254	08-10-2007 0217
BMP	Z02-001LDS	HOUSE Z/RANGE 02/BED 001L DS	06-29-2007 0318	07-20-2007 2254
BMP	Z02-010LDS	HOUSE Z/RANGE 02/BED 010L DS	05-12-2007 1515	06-29-2007 0318
BMP	Z05-501LO	HOUSE Z/RANGE 05/BED 501L O	05-12-2007 1113	05-12-2007 1515
BMP	C02-229U	HOUSE C/RANGE 02/BED 229U	04-23-2007 1346	05-12-2007 1113
BMP	C02-229L	HOUSE C/RANGE 02/BED 229L	08-06-2006 1632	04-23-2007 1346
BMP	C02-229U	HOUSE C/RANGE 02/BED 229U	07-31-2006 1232	08-06-2006 1632
BMP	C02-229L	HOUSE C/RANGE 02/BED 229L	07-23-2006 1537	07-31-2006 1232
BMP	C01-121L	HOUSE C/RANGE 01/BED 121L	06-06-2006 1147	07-23-2006 1537
BMP	C01-120L	HOUSE C/RANGE 01/BED 120L	04-21-2006 1254	06-06-2006 1147
BMP	B01-115L	HOUSE B/RANGE 01/BED 115L	02-27-2006 0826	04-21-2006 1254
BMP	B01-115U	HOUSE B/RANGE 01/BED 115U	02-06-2006 1108	02-27-2006 0826
BMP	B01-115L	HOUSE B/RANGE 01/BED 115L	01-31-2006 0741	02-06-2006 1108
BMP	B01-103L	HOUSE B/RANGE 01/BED 103L	01-31-2006 0109	01-31-2006 0741
BMP	R01-001L	HOUSE R/RANGE 01/BED 001L	01-30-2006 2013	01-31-2006 0109
OKL	C11-329L	HOUSE C/RANGE 11/BED 329L	01-23-2006 1900	01-30-2006 1010
LEW	Z01-011LAD	HOUSE Z/RANGE 01/BED 011L AD	01-09-2006 1208	01-23-2006 0747
LEW	Z01-006LAD	HOUSE Z/RANGE 01/BED 006L AD	12-19-2005 1056	01-09-2006 1208
LEW	Z01-003UAD	HOUSE Z/RANGE 01/BED 003U AD	12-01-2005 1230	12-19-2005 1056
LEW	Z01-012UAD	HOUSE Z/RANGE 01/BED 012U AD	11-21-2005 1315	12-01-2005 1230
LEW	Z01-011UAD	HOUSE Z/RANGE 01/BED 011U AD	11-03-2005 1443	11-21-2005 1315
LEW	Z01-010UAD	HOUSE Z/RANGE 01/BED 010U AD	10-11-2005 1433	11-03-2005 1443
LEW	Z01-009UAD	HOUSE Z/RANGE 01/BED 009U AD	10-06-2005 1239	10-11-2005 1433
LEW	Z01-024LAD	HOUSE Z/RANGE 01/BED 024L AD	10-05-2005 0903	10-06-2005 1239

G0002 MORE PAGES TO FOLLOW . . .

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ALFDD 531.01 \*  
PAGE 003 OF 003 \*

INMATE HISTORY  
QUARTERS

\* 04-26-2010  
\* 14:12:29

REG NO...: 67949-053 NAME.....: JENNINGS, TROY  
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
LEW	I01-103LH	HOUSE I/RANGE 01/BED 103L H	10-04-2005 1615	10-05-2005 0903
LEW	I01-103U	HOUSE I/RANGE 01/BED 103U	09-30-2005 1615	10-04-2005 1615
LEW	I01-103LH	HOUSE I/RANGE 01/BED 103L H	09-22-2004 1615	09-30-2005 1615
LEW	I01-103U	HOUSE I/RANGE 01/BED 103U	09-22-2004 1327	09-22-2004 1615
LEW	Z04-327LDS	HOUSE Z/RANGE 04/BED 327L DS	09-21-2004 1305	09-22-2004 1327
LEW	Z04-317LDS	HOUSE Z/RANGE 04/BED 317L DS	09-03-2004 0947	09-21-2004 1305
LEW	Z01-024LAD	HOUSE Z/RANGE 01/BED 024L AD	09-03-2004 0926	09-03-2004 0947
LEW	H02-215L	HOUSE H/RANGE 02/BED 215L	06-23-2004 1333	09-03-2004 0926
LEW	Z12-111UAD	HOUSE Z/RANGE 12/BED 111U AD	06-15-2004 1323	06-23-2004 1333
LEW	Z12-127LAD	HOUSE Z/RANGE 12/BED 127L AD	06-15-2004 1211	06-15-2004 1323
LEW	H02-215L	HOUSE H/RANGE 02/BED 215L	04-29-2004 1615	06-15-2004 1211
LEW	I02-212L	HOUSE I/RANGE 02/BED 212L	10-02-2003 0825	04-29-2004 1615
LEW	Z03-301LAD	HOUSE Z/RANGE 03/BED 301L AD	09-25-2003 2202	10-02-2003 0825
LEW	Z01-127LAD	HOUSE Z/RANGE 01/BED 127L AD	09-25-2003 2126	09-25-2003 2202
LEW	R01-001L	HOUSE R/RANGE 01/BED 001L	09-25-2003 2124	09-25-2003 2126
SPG	F01-214L	HOUSE F/RANGE 01/BED 214L	06-18-2003 0836	09-25-2003 1331
SPG	F01-006L	HOUSE F/RANGE 01/BED 006L	06-11-2003 0943	06-18-2003 0836
SPG	H01-019L	HOUSE H/RANGE 01/BED 019L	05-29-2003 0932	06-11-2003 0943
SPG	Z01-016L	HOUSE Z/RANGE 01/BED 016L	05-15-2003 1103	05-29-2003 0932
SPG	R01-001L	HOUSE R/RANGE 01/BED 001L	05-15-2003 0927	05-15-2003 1103
OKL	C09-322L	HOUSE C/RANGE 09/BED 322L	05-14-2003 1725	05-15-2003 0415
BRO	C13-006L	HOUSE C/RANGE 13/BED 006L	05-01-2003 0813	05-14-2003 1307
BRO	C19-005U	HOUSE C/RANGE 19/BED 005U	03-10-2003 1256	05-01-2003 0813
BRO	Z07-907LAD	HOUSE Z/RANGE 07/BED 907L AD	03-07-2003 1602	03-10-2003 1256
BRO	Z07-907LAD	HOUSE Z/RANGE 07/BED 907L AD	02-28-2003 1709	03-07-2003 1600
BRO	K06-808L	HOUSE K/RANGE 06/BED 808L	10-04-2002 1059	02-28-2003 1709
BRO	K06-805L	HOUSE K/RANGE 06/BED 805L	10-04-2002 1048	10-04-2002 1059
BRO	K06-808U	HOUSE K/RANGE 06/BED 808U	06-11-2002 1724	10-04-2002 1048
BRO	K07-804U	HOUSE K/RANGE 07/BED 804U	06-11-2002 0105	06-11-2002 1724
BRO	R02-001L	HOUSE R/RANGE 02/BED 001L	06-10-2002 1951	06-11-2002 0105

G0000 TRANSACTION SUCCESSFULLY COMPLETED

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HO03D  
PAGE 003

PUBLIC INFORMATION  
INMATE DATA  
AS OF 11-14-2008

11-14-2008  
14:44:40

REGNO...: 67949-053 NAME: JENNINGS, TROY

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 570-547-0963 FAX: 570-547-9201

PRE-RELEASE PREPARATION DATE: 04-23-2016

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 10-23-2016 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, EASTERN DISTRICT  
DOCKET NUMBER.....: 02-CR-743  
JUDGE.....: MURTHA  
DATE SENTENCED/PROBATION IMPOSED: 03-07-2003  
DATE COMMITTED.....: 05-15-2003  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$600.00	\$00.00	\$00.00	\$00.00
RESTITUTION...:	PROPERTY: NO	SERVICES: NO	AMOUNT:	\$38,823.79

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 540  
OFF/CHG: 18:1951 CONSP TO COMMITT ROBBERY(CT1); 18:1951 ROBBERY (CTS4,5  
AND 6); 18:922(G)(1) FELON IN POSSESSION OF A FIREARM (CT8)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 110 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS  
CLASS OF OFFENSE.....: CLASS C FELONY  
DATE OF OFFENSE.....: 03-16-2002

G0002 MORE PAGES TO FOLLOW . . .

EMS-409.051 REQUEST FOR TRANSFER/APPLICATION OF MANAGEMENT VARIABLE CDFRM *email 12/2/05 w/PCI*  
AUG 99

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

From: Joseph V. Smith, Warden Facility: USP Lewisburg, PA Date: November 25, 2005

Inmate's Name: JENNINGS, Troy

Register No.: 67949-053

To: D. Scott Dodrill, Regional Director  
Northeast Regional Office

E. L. Tatum, Jr., Regional Designator

☒ Transfer to: Any appropriate "High" security level institution via Code 323 - Close Supervision

☐ Apply Management Variable(s) \_\_\_\_\_

☐ Update Management Variable Expiration Date. (New Date): \_\_\_\_\_

1. Inmate's Medical Status: Inmate Jennings is assigned regular duty with no medical restrictions. He is cleared for Food Service work and is fully fit for transfer.

2. Institution Adjustment: Inmate Jennings arrived at USP Lewisburg on September 25, 2003, after completion of his medical evaluation from the federal medical facility in Springfield, Missouri. Since his arrival, inmate Jennings received three disciplinary code infractions. Inmate Jennings was assigned to the Food Service work detail, where he received satisfactory work performance evaluations. Inmate Jennings is participating in the GED Program, where he is making satisfactory progress. Currently, his adjustment to incarceration is considered to be average.

#### DISCIPLINARY RECORD

3. Date                      Code/Offense                      UDC/DHO Disposition

On September 3, 2004, inmate Jennings was found guilty by the Discipline Hearing Officer of Code 219, Stealing. There are no further disciplinary code infractions scored on his Custody Classification Form at this time.

4. Rationale for Referral: Inmate Jennings was initially designated to the United States Medical Center for Federal Prisoners, Springfield, Missouri on May 15, 2003, as an initial court commitment. On September 25, 2003, he was transferred to USP Lewisburg, Pennsylvania after completion of his medical treatment. Inmate Jennings is serving a 110 month sentence for Conspiracy to Commit Robbery, Robbery, Use of a Firearm During a Crime of Violence, and Felon in Possession of a Firearm. Inmate Jennings has a projected release date of August 8, 2016, via Good Conduct Time release method. Inmate Jennings is a "High" security level inmate maintained under "In" custody.

REVIEWED AND RELEASED

APR 30 2008

SCRO LEGAL OFFICE F.O.I. EXEMPT

LEW21  
PAGE

## \* PROGRESS REPORT \*

12-09-2005  
19:33:40RSP OF: LEW LEWISBURG USP  
2400 ROBERT F. MILLER DRIVE  
LEWISBURG, PA 17837  
570 523-1251

US DEPARTMENT OF JUSTICE BUREAU OF PRISONS

NAME: JENNINGS, TROY

REG NO: 67949-053 AGE(DOB): 41/08-23-1964

INMATE REVIEWED/SIGNATURE	DATE	STAFF SIGNATURE
TYPE OF PROGRESS REPORT:		
INITIAL	SIH	TRIENNIAL
PRE-RELEASE		
TRANSFER <input checked="" type="checkbox"/> OTHER:		
PRESENT SECURITY/CUSTODY LEVEL:		
HIGH /IN		

OFFENSE/VIOLATOR OFFENSE:  
SENTENCE IMPOSED AND TERM OF SUPERVISION:18:2114(A)-ROBBERY; 18:1951 CONSP TO COMMIT ROBBERY; 18:924(C)  
USE FIREARM CRIME OF VIOLENCE; 18:922 FELON IN POSS FIREARM  
7 YEARS 110 MONTHS / 5 YEARS

DATE COMPUTATION BEGAN: 03-07-2003

DAYS FSGT/WSGT/DGCT:	DAYS GCT OR EGT/SGT:	MONTHS SERVED:
0 /0 /40	122	+ JAIL CREDIT - INOP TIME
		M: 33 D: 3
		+ 276 JC - 0 INOP
PROJECTED RELEASE DATE: 08-08-2016		PROJECTED RELEASE METHOD: GCT REL

DETAINERS/PENDING CHARGES:  
NONE ON FILE

CO-DEFENDANTS: (LIST CO-DEFENDANTS, SENTENCE LENGTH AND PAROLE ACTION IF PAROLABLE)

DISTRIBUTION: ORIGINAL TO INMATE, COPY TO USPO, COPY TO USPC  
CENTRAL FILE - SECTION TWO

BP-CLASS-3

## ----- INSTITUTIONAL ADJUSTMENT -----

INMATE JENNINGS WAS ORIGINALLY SENTENCED ON MARCH 7, 2003, IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK TO A 7 YEAR, 110 MONTH SENTENCE FOR ROBBERY, CONSPIRACY TO COMMIT ROBBERY, USE OF FIREARM DURING A CRIME OF VIOLENCE, AND FELON IN POSSESSION OF A FIREARM. ON MAY 15, 2003, HE WAS INITIALLY DESIGNATED TO THE UNITED STATES MEDICAL CENTER FOR FEDERAL PRISONERS, SPRINGFIELD, MISSOURI FOR SERVICE OF HIS SENTENCE. ON SEPTEMBER 25, 2003, HE WAS TRANSFERRED TO USP LEWISBURG, PENNSYLVANIA FOLLOWING THE COMPLETION OF HIS MEDICAL TREATMENT. CURRENTLY, HIS ADJUSTMENT TO INCARCERATION IS CONSIDERED TO BE LESS THAN AVERAGE. INMATE JENNINGS HAS AMASSED THREE DISCIPLINARY CODE INFRACTIONS SINCE HIS ARRIVAL TO USP LEWISBURG.

## A. PROGRAM PLAN:

AT HIS INITIAL CLASSIFICATION AND SUBSEQUENT PROGRAM REVIEWS, IT WAS RECOMMENDED HE PARTICIPATE IN THE FOLLOWING PROGRAMS: GED PROGRAM, CODE PROGRAM, INMATE FINANCIAL RESPONSIBILITY PROGRAM, RESIDENTIAL DRUG EDUCATION PROGRAM, LEISURE TIME ACTIVITIES, SECURE A UNICOR WORK DETAIL ASSIGNMENT, PSYCHOLOGY GROUPS, AND THE RELEASE PREPARATION PROGRAM.

NAME: JENNINGS, TROY

REG NO: 67949-053

## E. INCIDENT REPORTS:

-----  
 DHO HEARING DATE/TIME: 09-03-2004 0923 INCIDENT DATE/TIME: 08-26-2004 0700  
 HEARING IS ALSO BASIS FOR EXECUTION OF DS SUSPENDED 06-22-2004 0845  
 219 STEALING - FREQ: 1  
 DIS GCT / 27 DAYS / CS  
 COMP:010 LAW:P  
 DS / 14 DAYS / CS  
 COMP: LAW:  
 LP COMM / 30 DAYS / CS  
 COMP: LAW:  
 MON REST / 1.89 DOLLARS / CS  
 COMP: LAW: RESTITUTION OF \$1.89 FOR THE F/S ITEMS  
 -----

DHO HEARING DATE/TIME: 06-22-2004 0845 INCIDENT DATE/TIME: 06-15-2004 1150  
 399 DISRUPTIVE CONDUCT-MODERATE - FREQ: 1  
 DIS GCT / 13 DAYS / CS  
 COMP:010 LAW:P MOST LIKE 307  
 DS / 7 DAYS / CS / SUSPENDED 180 DAYS  
 EXECUTED BASED ON HEARING OF 09-03-2004 0923  
 COMP: LAW: MOST LIKE 307  
 LP COMM / 30 DAYS / CS  
 COMP: LAW: MOST LIKE 307  
 -----

UDC HEARING DATE/TIME: 02-23-2004 1740 INCIDENT DATE/TIME: 02-23-2004 0758  
 307 REFUSING TO OBEY AN ORDER - FREQ: 1  
 LP COMM / 30 DAYS / CC / SUSPENDED 90 DAYS  
 COMP: LAW: NOT GUILTY OF 499  
 317 FAILING TO FOLLOW SAFETY REGS - FREQ: 1  
 LP COMM / 30 DAYS / CC / SUSPENDED 90 DAYS  
 COMP: LAW:

## F. INSTITUTIONAL MOVEMENT:

ON MAY 15, 2003, INMATE JENNINGS WAS INITIALLY DESIGNATED TO USMCFP SPRINGFIELD, MISSOURI. ON SEPTEMBER 25, 2003, HE WAS TRANSFERRED TO USP LEWISBURG, PENNSYLVANIA FOLLOWING THE COMPLETION OF HIS MEDICAL TREATMENT. THERE HAS BEEN NO FURTHER MOVEMENT TO DATE.

INSTITUTION	ASSIGNMENT	REASON FOR MOVEMENT	EFFECTIVE DATE
LEW	A-DES	TRANSFER RECEIVED	09-25-2003
SPG MH	A-DES	US DISTRICT COURT COMMITMENT	05-15-2003

G. PHYSICAL AND MENTAL HEALTH: INMATE JENNINGS IS ASSIGNED REGULAR DUTY STATUS WITH NO MEDICAL RESTRICTIONS. HE HAS DISCLAIMED ANY PRESENT PHYSICAL OR MENTAL DISORDERS WHICH WOULD REQUIRE HIS REVIEW BY MEDICAL STAFF. THERE ARE NO PHYSICAL OR MENTAL HEALTH ISSUES NOTED WHICH WOULD IMPACT ON HIS TRANSFER OR PLACEMENT IN A GENERAL POPULATION SETTING.

H. PROGRESS ON FINANCIAL RESPONSIBILITY PLAN: THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, IMPOSED A \$600 FELONY ASSESSMENT AND RESTITUTION IN THE AMOUNT OF \$38,823.79. INMATE JENNINGS IS CURRENTLY PARTICIPATING IN THE INMATE FINANCIAL RESPONSIBILITY PROGRAM BY MAKING \$25 QUARTERLY PAYMENTS TOWARD THESE OBLIGATIONS.

FRP ASSIGNMENT	START DATE
PART FINANC RESP-PARTICIPATES	10-09-2003

HOU3D  
PAGE 004

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PUBLIC INFORMATION  
INMATE DATA  
AS OF 11-14-2008

\*  
\*

11-14-2008  
14:44:40

REGNO...: 67949-053 NAME: JENNINGS, TROY

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 570-547-0963 FAX: 570-547-9201

-----CURRENT OBLIGATION NO: 020 -----

OFFENSE CODE....: 130

OFF/CHG: 18:924(C) USE OF A FIREARM IN RELATION TO A CRIME OF  
VIOLENCE (CT7)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE

SENTENCE IMPOSED/TIME TO SERVE.: 7 YEARS

TERM OF SUPERVISION.....: 5 YEARS

CLASS OF OFFENSE.....: CLASS A FELONY

RELATIONSHIP OF THIS OBLIGATION

TO OTHERS FOR THE OFFENDER....: C/S TO 010/010

DATE OF OFFENSE.....: 03-30-2002

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-15-2008 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 03-07-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 03-07-2003

AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA

TOTAL TERM IN EFFECT.....: 7 YEARS 110 MONTHS

TOTAL TERM IN EFFECT CONVERTED...: 16 YEARS 2 MONTHS

AGGREGATED TERM OF SUPERVISION...: 5 YEARS

EARLIEST DATE OF OFFENSE.....: 03-16-2002

JAIL CREDIT.....:	FROM DATE	THRU DATE
	04-13-2002	04-18-2002
	06-10-2002	03-06-2003

G0002

MORE PAGES TO FOLLOW . . .

HOU3D \*  
PAGE 005 OF 005 \*

PUBLIC INFORMATION \*  
INMATE DATA \*  
AS OF 11-14-2008

11-14-2008  
14:44:40

REGNO...: 67949-053 NAME: JENNINGS, TROY

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL  
PHONE...: 570-547-0963 FAX: 570-547-9201

TOTAL PRIOR CREDIT TIME.....: 276  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 649  
TOTAL GCT EARNED.....: 197  
STATUTORY RELEASE DATE PROJECTED: 10-23-2016  
SIX MONTH /10% DATE.....: N/A  
EXPIRATION FULL TERM DATE.....: 08-03-2018

PROJECTED SATISFACTION DATE.....: 10-23-2016  
PROJECTED SATISFACTION METHOD....: GCT REL

80055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

## CERTIFICATE OF SERVICE

I, # 67949053  
TROY JENNINGS, hereby certify that I have served a true  
and correct copy of the foregoing:

Which is deemed filed at the time it was delivered to prison authorities for forwarding to  
the court, Houston vs. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to  
litigation and/or his/her attorney(s) of record, by placing same in a sealed, postage  
prepaid envelope addressed to:

and deposited same in the United States Postal Mail at the United States Penitentiary,

Signed on this 8 day of AUGUST 2010.

Respectfully Submitted,

Troy Jennings

REG. NO. 67949053



~~TROY JENNINGS~~ #67949053

U.S.P. COLEMAN II

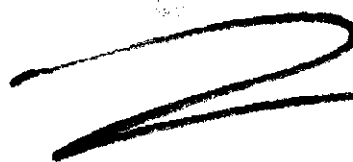
PO BOX 1024

COLEMAN, FI 33521

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